

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Jose Luis ESPICTIA-Guerrero
(aka Jose Luis ESPITA-Guerrero)

Case:2:15-mj-30197

Judge: Unassigned,

Filed: 04-22-2015 At 11:16 AM

USA V JOSE LUIS ESPICTIA-GUERRERO (CMP)(CMC)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 03, 2015 in the county of Oakland in the
Eastern District of Michigan, the defendant(s) violated:*Code Section*

Title 8 United States Code, Section(s) 1326(a)

Offense Description

On or about March 03, 2015, at or near Hazel Park, Michigan, in the Eastern District of Michigan, Southern Division, Jose Luis ESPICTIA-Guerrero, an alien from Mexico was found in the United States after having been denied admission, excluded, deported, and removed there from on or about January 24, 2008 at or near Laredo, Texas and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☐ Continued on the attached sheet.

Complainant's signature

Lawrence Ballard, Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 4/22/2015City and state: Detroit, MI

R. STEVEN WHALEN

UNITED STATES MAGISTRATE JUDGE


Printed name and title

Affidavit

I, Lawrence C. Ballard, being duly sworn, do hereby state:


1. I am a Deportation Officer with the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed in this capacity since December 2006. I am currently assigned to the Enforcement and Removal Operations. In such capacity, I have reviewed the official Immigration file and system automated data relating to Jose Luis ESPICTIA-Guerrero (aka: Jose Luis ESPITA-Guerrero), herein referred to as ESPICTIA-Guerrero, which attests to the following:
2. The information set forth below is for the limited purpose of establishing probable cause. Therefore, this affidavit does not necessarily contain all of the information collected during my investigation.
3. ESPICTIA-Guerrero is a thirty-year old male, native and citizen of Mexico, who last entered the United States at or near an unknown place, on or about an unknown date without being admitted, inspected or paroled by an Immigration Officer.
4. On October 06, 2003, ESPICTIA-Guerrero was arrested by the U.S. Customs and Border Protection (CBP) at the Douglas, Arizona Port of Entry as he attempted to enter the United States as an impostor. ESPICTIA-Guerrero was a passenger of a vehicle attempting to make entry to the U.S. from Mexico and presented a Laser Visa in the name of Jose LOPEZ-Nallares and claimed to be him. ESPICTIA-Guerrero was sent to Secondary Inspection for further investigation; In CBP Secondary ESPICTIA-Guerrero admitted his true identity and was found inadmissible under Section 212(A)(6)(C)(I), Fraud or Misrepresentation, of the Immigration and Naturalization Act (INA). ESPICTIA-Guerrero was served with form I-860 Notice and Order of Expedited Removal and removed from the United States to Mexico on same date.
5. On May 01, 2007, ESPICTIA-Guerrero was apprehended by the U.S. Border Patrol near Laredo, Texas. ESPICTIA-Guerrero expressed no fear of returning to Mexico and was served with form I-871 Notice of Intent/Decision to Reinstate Prior Order. ESPICTIA-Guerrero was returned from the United States to Mexico on same date.
6. On June 16, 2007, ESPICTIA-Guerrero was arrested by the U.S. Border Patrol near Santa Teresa, New Mexico. ESPICTIA-Guerrero expressed no fear of returning to Mexico and was served with form I-871 Notice of Intent/Decision to Reinstate Prior Order and charged with 8 USC 1326 Re-entry After Deportation.
7. On July 05, 2007, in the U.S. District Court, New Mexico, ESPICTIA-Guerrero pleaded guilty to 8 USC 1325(a)(1) and was sentenced to 20 day(s) time served. ESPICTIA-Guerrero was returned to U.S. Border Patrol custody and returned from the United States to Mexico same date.

8. On November 25, 2007, ESPICTIA-Guerrero was apprehended by the U.S. Border Patrol near Laredo, Texas. ESPICTIA-Guerrero expressed no fear of returning to Mexico and was served with form I-871 Notice of Intent/Decision to Reinstate Prior Order and charged with 8 USC 1326 Re-entry After Deportation.
9. On November 29, 2007, in the U.S. District Court for Southern District of Texas, ESPICTIA-Guerrero pleaded guilty to 8 USC 1325(a)(1) and was sentenced to 60 day(s) confinement.
10. On January 24, 2008, ESPICTIA-Guerrero was returned to U.S. Border Patrol custody and returned from the United States to Mexico same date.
11. On March 03, 2015, ESPICTIA-Guerrero was involved in a traffic accident in Hazel Park, Michigan. State of Michigan Traffic Crash Report # 21-5495-15. ESPICTIA-Guerrero presented an expired Michigan Driver's License (E-212-440-560-227) to the Michigan State Police Trooper on scene.
12. On April 16, 2015, the official Immigration file and system-automated data were reviewed and showed that Jose Luis ESPICTIA-Guerrero, Alien File No. A097342348, did not obtain the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States, in violation of Title 8, United States Code, Section 1326(a).
13. Based upon the above information, probable cause exists to believe that Jose Luis ESPICTIA-Guerrero is illegally present in the United States after exclusion, deportation, or removal. His removal was subsequent to two (2) convictions for violation of Title 8, United States Code, Section 1325(a)(1).



Lawrence Ballard, Deportation Officer
United States Department of Homeland Security
Immigration and Customs Enforcement

Subscribed and sworn to before me this 22 day of April 2015



United States Magistrate Judge
United States District Court
Eastern District of Michigan

**R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE**